

ENTERED

August 06, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

VS.

27.000 ACRES OF LAND, MORE OR
LESS, *et al*,

Defendants.

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CIVIL ACTION NO. 7:20-CV-394

ORDER

Before the Court is the “United States Motion Seeking Final Judgment and Order Establishing Just Compensation, Granting Possession, Distributing Funds on Deposit in the Registry of the Court, And Closing Case” for Tracts RGV-RGC-R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2 filed by the United States of America. The Court agrees that the just compensation for the taking of a temporary (12 months) right-of-entry easement to enter in, on, over, and across 27.00 acres of real property identified as Tracts RGV-RGC-R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2 (“Subject Property”) is \$100.00 and now orders: (1) to disburse the just compensation; (2) grants immediate possession to the United States of Tract Tracts RGV-RGC-R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2 and (3) closes this case on the Court’s docket.

I. BACKGROUND

1. This case was commenced on December 4, 2020, with the United States seeking 12 month temporary assignable easement for survey in the property identified as Tracts RGV-RGC-

R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2.¹ On December 15, 2021, the United States deposited one hundred dollars (\$100.00) with the Registry of the Court as estimated just compensation.²

II. JUDGMENT

2. Given that the United States' Motion provided sufficient grounds to find Anabell G. Garcia, Marco Garcia, Jr., Alejandro Garcia, Lizandro Garcia, and Cynthia Cantu as the heirs-at-law with an ownership interest in the Subject Property for purposes of this condemnation proceeding, the Court hereby dismisses the Unknown Heirs of Marco A. Garcia and finds that Anabell G. Garcia, Marco Garcia, Jr., Alejandro Garcia, Lizandro Garcia, and Cynthia Cantu have all ownership interest in Tract RGV-RGC-R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2.

3. The United States now requests an Order to disburse the one hundred dollars (\$100.00) just compensation for Tracts RGV-RGC-R2001E, RGV-RGC-R2001E-1, RGV-RGC-R2001E-2 in this action in full satisfaction of any claim of whatsoever nature by Defendants against the United States for the institution and prosecution of the above-captioned action. The United States requests an Order closing the case on this Court's docket. Defendants are the owners of the Subject Property; and have the exclusive right to the compensation, herein; excepting the interests of parties having liens, leases, encumbrances of record, and unpaid taxes and assessments.

4. The United States seeks immediate disbursement of the funds on deposit in the Registry of the Court and the funds should be disbursed as follows:

- **\$18.69** to "Lizandro Garcia" with accrued interest from the date of deposit.

- \$25.24 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Anabell G. Garcia until such time that she or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Marco A. Garcia Jr. until such time that he or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Alejandro Garcia until such time that he or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Cynthia Cantu until such time that she or any heirs should come forward to claim said funds.

5. Based on the foregoing, the Court finds that just compensation has been established. Final judgment is hereby entered against the United States in the amount of one hundred dollars and 00/100 (\$100.00), along with any accrued interest. This sum is in full satisfaction of any claims whatsoever by Defendants against the United States for the institution and prosecution of the above-captioned action.

6. Additionally, the Court finds that the United States is entitled to immediate possession of the Subject Property, and all persons in possession or in control of the interests taken in the Subject Property are ordered by this Court to surrender possession to the United States.

III. HOLDING

The Court hereby dismisses the Unknown Heirs of Marco A. Garcia from this action. The Court **ORDERS** the Clerk of Court to **DISBURSE** the total sum of one hundred dollars and 00/100 (\$100.00), **along with any accrued interest earned thereon while on deposit**, payable by check as follows:

- \$18.69 to "Lizandro Garcia" with accrued interest from the date of deposit.

- \$25.24 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Anabell G. Garcia until such time that she or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Marco A. Garcia Jr. until such time that he or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Alejandro Garcia until such time that he or any heirs should come forward to claim said funds.
- \$18.69 with accrued interest, will remain on deposit in the Court's registry, pursuant to 28 U.S.C. § 2042, for Cynthia Cantu until such time that she or any heirs should come forward to claim said funds.

IT IS HEREBY ORDERED that this case be DISMISSED and CLOSED on the Court's docket.

SO ORDERED this 6th day of August, 2021, at McAllen, Texas.



Randy Crane
United States District Judge

